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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,813	07/01/2001	David Bartholomew	4238P	2560
7590 02/07/2006				
Lloyd W. Sadler MCCARTHY & SADLER, LC Suite 100 39 Exchange Place Salt Lake City, UT 84111		EXAMINER CHANG, SHIRLEY		
		ART UNIT PAPER NUMBER		
		2614		

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Election/Restrictions

The amendment filed on 12/30/05 with amended claims 1-17 directed to an invention that is independent or distinct from the invention originally claimed (see MPEP § 818.02(b) [R3]) for the following reasons:

Applicant presents species claims (amended claims 1-17) to more than one patentably distinct species of the invention, Fig. 1-3.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits, see MPEP § 808.01(a) [R3].

Accordingly, Applicant is required under 35 USC 121 to elect a single disclosed species. Currently, no claims are considered generic.

A telephone was made to Rich Tache on 2/3/06 to request an oral election to the above restriction requirement, but did not result in an election being made. Applicant is advised that the replay to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37CFR1.48(b) and by the fee required under 37 CFR 1.17(i).

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shirley Chang whose telephone number is (571) 272-8546. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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